

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

JAN 31 2003

OFFICE OF
MANAGING DIRECTOR

Mr. Taylor Brown
Northern Broadcasting System, Inc.
Post Office Box 1742
Billings Montana 59103-1742

Re: Earth Station E980103
Fee Control No: 00000RROG-02-090
Bill No. 02-INB0100

Dear Mr. Brown:

This is in response to your request for waiver of late fees or penalties associated with the fiscal year (FY) 2001 regulatory fee for Northern Broadcasting System, Inc. (Northern Broadcasting). Our records reflect that you paid your regulatory fee of \$180.00 for Earth Station E980103 on May 2, 2002, but that we have not received your late payment penalty of \$45.00

In your request, you state that you never received a billing notice previously nor had anyone contacted you to inform you of this obligation. You indicate that you do not believe that you have ever paid this fee in the past.

The Commission's rules are clear that licensees such as Northern Broadcasting are required to pay to the Commission an annual regulatory fee in a timely manner. *See* 47 C.F.R. § 1.1157; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2001*, Report and Order, 16 FCC Rcd 13,525 (2001) (2001 Report and Order); 47 U.S.C. § 159. It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. *See* 47 C.F.R. § 1.1157. The Commission issued a public notice announcing the date on which the FY 2001 regulatory fees were due, specifically, September 26, 2001. *See* Public Notice, Extension of Fiscal Year 2001 Regulatory Fee Filing Window, 2001 WL 1078406 (Sept. 17, 2001) (*Sept. 17 Public Notice*). As a Commission licensee, Northern Broadcasting is charged with the responsibility to familiarize itself with the Commission's rules and requirements. Therefore, Northern Broadcasting's lack of familiarity with the Commission's rules governing and public notices concerning regulatory fee payments does not mitigate or excuse Northern Broadcasting's failure to pay the FY 2001 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances. *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2315, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970). Furthermore, the Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. 47 U.S.C. § 159(c).


Mr. Taylor Brown

2.

For the reasons discussed above, we deny your request for rescission of the late charge penalty for late payment of the fiscal year 2001 regulatory fee.

Payment of Northern Broadcasting's \$45.00 late payment penalty for **FY** 2001 regulatory fee is now due. It should be submitted, together with a copy of Bill No. 02-INB0100 within **30** days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

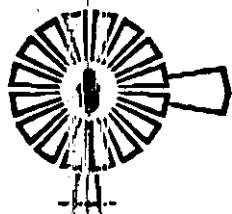
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', is written over a horizontal line.

Mark A. Reger
Chief Financial Officer

Enclosure:
Copy of Bill No. 02-INB0100

00000RR06-02-090



NORTHERN BROADCASTING SYSTEM, INC.

P.O. BOX 1742 .BILLINGS, MONTANA 59103-1742

PH: (406) 252-6661 . FAX (406) 245-9755

www.northernbroadcasting.com

May 2, 2002

Claudette Pride, Acting **Chief**
 Revenue and Receivables Operations Group
 Federal Communications Commission
 P.O. Box 358835
 Pittsburgh, PA 15251-5835

Dear Ms. Pride,

This week I received the attached letter from you dated April 19, 2002, informing me that our company owes Regulatory Fees to the FCC for our Earth Station E980103.

After placing a call to your office, I was directed to a Public Notice explaining those fees (FY 2001 International and Satellite Service Regulatory Fees) dated August 3, 2001, and I believe they do in fact apply to our company.

Please find enclosed a copy of FCC Form 159 which includes a certification statement and my MasterCard payment information for the 5180.00 fee.

Your letter indicated that we were being asked also to pay a late fee of 25%, but since I have never received billing notice previously, nor has anyone ever contacted me to inform me of this obligation, I do not believe that we should be responsible for late fees. Please waive that fee, unless you have records that indicate that we were in fact notified of this obligation previously.

It's possible that I could be wrong, but I am sure that we have never paid this fee in the past, and this is the first time that I have known about it. I suspect that if we were billed previously by FCC, the bill was either lost, or sent to the wrong address, or something of that nature. Regardless, the late payment is not our fault since no one informed me of this obligation until now; and while I am willing to pay the Regulatory Fee, I do not believe that we should be responsible for "late charges" for a bill that we never received before.

Thank you for your assistance with this matter.

Sincerely,

Taylor Brown, President
 Northern Broadcasting System, Inc.

Enc

Federal Communications Commission
BILL FOR COLLECTION

FOR INQUIRIES CALL
1-202-418-1995
(Credit and Debt Management Group)

Bill Number		Current Bill Date
02-INB0100		SEP 11 2002
PAYER FRN#	APPLICANT FRN#	

2ND NOTICE

NORTHERN BROADCASTING SYSTEM INC
PO. BOX 1742
BILLINGS, MT 59103

Payable to:

Federal Communications Commission

Send a copy of this bill to:

Federal Communications Commission

REVENUE & RECEIVABLE OPER.

P.O. BOX 358835

PITTSBURGH, PA 15251 - 5835

Total Amount Due	Total Amount Due Must Be Received By	Due Date
\$225.00	OCT 11 2002	

SPECIAL INSTRUCTIONS (OPTIONAL):

PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

THIS BILL IS IN REFERENCE TO THE ANNUAL 2001 REGULATORY FEE(S), WHICH WERE DUE TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC) WINDOW FILING WAS SEPTEMBER 10, 2001 THROUGH SEPTEMBER 26, 2001

OUR RESEARCH INDICATES THAT WE HAVE NO RECORD OF YOUR 2001 REGULATORY FEE PAYMENT FOR THE FOLLOWING CALL SIGN E980103

Please write your bill number on your remittance.

Please attach a copy of this bill to your payment to ensure proper credit.

paid

Payment Type Code				Quantity	Fee Due
0	1	7	3	1	\$180.00
0	1	9	9	1	\$45.00

Total Due	\$225.00
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Payment Method: Check ☒ (Attach)
Credit card ☐ (Complete Below)

45.00

☐ MasterCard

☐ VISA

Account No.:

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Expiration:

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Month Year

I hereby authorize the FCC to charge my MasterCard or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE